

### REMARKS

These remarks are responsive to the Office Action, dated June 25, 2004. Currently, claims 1 and 3 are pending with claim 1 being independent. Claims 1 and 3 are amended. Claims 2, 4, and 5 are cancelled without prejudice or disclaimer. Support for these amendments is found on page 5, paragraphs 0017-20 and FIG. 5 of the Applicant's specification. The specification is also amended to provide proper cross-reference to an issued patent.

In the Office Action, dated June 25, 2004, the Examiner rejected claims 1, 2, 4, and 5 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner further stated that there is an insufficient antecedent basis for "said upper wire of said center support member truss." The Applicant amended claim 1 and cancelled claims 2, 4 and 5. Thus, this rejection is now moot. The Examiner is respectfully requested to reconsider and withdraw her rejection of claims 1, 2, 4, and 5.

In the Office Action, dated June 25, 2004, the Examiner rejected claims 1 and 3 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,750,626 to Nicely (hereinafter, "Nicely"). This rejection is respectfully traversed.

In the Office Action, dated June 25, 2004, the Examiner rejected claims 2, 4, and 5 under 35 U.S.C. 103(a) as being unpatentable in view of a combination of Nicely and U.S. Patent No. 5,390,803 to McAllister (hereinafter, "McAllister"). This rejection is moot.

#### 35 U.S.C. 102

In the Office Action, the Examiner rejected claim 1 under 35 U.S.C. 102(b) as being anticipated by Nicely. The Applicant traverses this rejection for at least the reasons set forth below.

Claim 1 recites a wire shelf that includes a pair of end members disposed at opposing ends of the wire shelf, each of the end members includes of a truss having an upper wire and a lower wire. The wire shelf further includes a pair of side members disposed at opposite sides of the wire shelf. A plurality of shelf wires is spaced apart from each other and joined to the side members, where at least one center support member truss is disposed between the side members and in parallel therewith. The center support member truss has an upper wire and a lower wire. The upper wire of the center support member truss is joined to each of the plurality of shelf wires. It is joined at one end to the upper wire of one of the end members. It is also joined at another end to the upper wire of another of the end members. The lower wire of the center support member truss is joined at one end to the lower wire of the one of the end members and at another end to the lower wire of the another of the end members.

As the Examiner stated in the Office Action, Nicely does not disclose a center truss (or a center support truss member) that extends parallel to the side member trusses and is attached to the shelf wires or to the end members. (See, Office Action, page 4). Nicely discloses a removable conical corner structure for shelving, which includes a center longitudinal member attached to the transverse members. Nicely's longitudinal member is a single wire running underneath the center of the shelf. (See, FIG. 1, col. 3, lines 51-68). This is in contrast with claim 1's center support truss member that includes the upper and lower wires and the corrugated wire disposed between the them. Further, Nicely lacks claim 1's feature of having the lower wire of the center support truss member joined to the lower wires of the end members. Nicely's center longitudinal member does not include claim 1's lower wire or corrugated wire. Hence,

the longitudinal member does not attach to either lower wires of the end members and corrugated wire, as recited in claim 1.

Nicely does not describe, teach or suggest all elements of claim 1. Thus, Nicely does not anticipate claim 1. Hence, rejection of claim 1 is traversed. The Examiner is respectfully requested to reconsider and withdraw her rejection of claim 1.

Claim 3 is dependent on claim 1. As such, it is not anticipated by Nicely for at least the same reasons stated above with respect to claim 1. Hence, rejection of claim 3 is traversed. The Examiner is respectfully requested to reconsider and withdraw her rejection of claim 3.

35 U.S.C. 103

In the Office Action, the Examiner rejected claims 2, 4, and 5 as being unpatentable under 35 U.S.C. 103(a) over a combination of Nicely and McAllister.

The Applicant cancelled claims 2, 4, and 5. Thus, this rejection is now moot. The Examiner is respectfully requested to reconsider and withdraw her rejection of claims 2, 4, and 5.

Further, claims 1 and 3 are not rendered obvious over combination of Nicely and McAllister for at least the following reasons.

Claim 1 recites a wire shelf that includes a pair of end members disposed at opposing ends of the wire shelf, each of the end members includes of a truss having an upper wire and a lower wire. The wire shelf further includes a pair of side members disposed at opposite sides of the wire shelf. A plurality of shelf wires is spaced apart from each other and joined to the side members, where at least one center support member truss is disposed between the side members and in parallel therewith. The center support member truss has an upper wire and a lower wire.

The upper wire of the center support member truss is joined to each of the plurality of shelf wires. It is joined at one end to the upper wire of one of the end members. It is also joined at another end to the upper wire of another of the end members. The lower wire of the center support member truss is joined at one end to the lower wire of the one of the end members and at another end to the lower wire of the another of the end members.

Nicely discloses a removable conical corner structure for shelving, which includes a center longitudinal member attached to transverse members. Nicely's longitudinal member is a single wire running underneath the center of the shelf. (See, FIG. 1, col. 3, lines 51-68). As stated above, Nicely fails to disclose claim 1's center support truss member. It further fails to disclose center support truss member's lower wire joined with the center support truss member's corrugated wire and lower wires of the end members.

McAllister discloses a reinforced shelf. The shelf includes a longitudinal member, a longitudinal bar, a serpentine member, and a reinforcing bar disposed at the front and rear of the shelf. The upper ends of the serpentine member are attached along the length of the longitudinal member and the lower ends of the serpentine member are attached along the length of the longitudinal bar. The reinforcing bar is attached along its length to the end portions of transverse members. The ends of the longitudinal bar are attached either to a serpentine member or to the transverse bars at side edges of the shelf. (See, FIG. 5, Col. 3, lines 24-43). This is different from claim 1's side members trusses that include a corrugated wire disposed between upper and lower wires of one of the side member trusses. Claim 1 does not include McAllister's reinforcing bar. Further, in contrast with claim 1's corrugated wire, McAllister is joined to the longitudinal bar and longitudinal member, instead of being joined to the lower wire of the side

member truss and to the undersides of the shelf wires, as recited in claim 1. Thus, neither Nicely nor McAllister teach or suggest every element of claim 1.

Even if one to combine Nicely and McAllister, the present invention is not realized. A combination of Nicely and McAllister results in a wire shelf that includes the serpentine member attached to the longitudinal member and the longitudinal bar, and where the transverse members are placed between the reinforcing bar and the longitudinal member. This is in contrast with the present invention's side member truss. As stated above, the side member truss's corrugated wire attaches directed to the lower wire and the shelf wires.

Hence, a prima facie case of obviousness cannot be established. Thus, claim 1 is not rendered obvious in light of the combination of Nicely and McAllister. Claim 3 is dependent on claim 1. As such, claim 3 is not rendered obvious by the combination of Nicely and McAllister for at least the reasons stated above with respect to claim 1.

No new matter has been added. The claims currently presented are proper and definite. Allowance is accordingly in order and respectfully requested. However, should the Examiner deem that further clarification of the record is in order, we invite a telephone call to the Applicants' undersigned attorney to expedite further processing of the application to allowance.

Respectfully submitted,



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